

REMARKS

The Examiner's Non-final Action mailed June 18, 2003 has been given careful consideration by the applicants. Claims 1-20 remain in the application. Reconsideration and reexamination of the application is hereby respectfully requested.

The Office Action

The Examiner rejected claims 1-8 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,809,395 to Hamilton-Piercy in view of U.S. Patent No. 5,675,629 to Raffel.

The Examiner also rejected claims 9-20 as being unpatentable over Hamilton-Piercy in view of Raffel.

The Present Application

The present invention relates to an integrated cable and cellular network for telecommunications. More particularly, the invention is directed to a system and method that provides seamless mobility for cable and wireless communication networks to allow users to use a single mobile phone in both networks.

In one embodiment of the invention, a personal base station system is implemented which can be located in, for example, a user's home. This personal base station provides an air interface to a cable communication network. A hand set or mobile phone, according to the present invention, is operative to communicate through the cable communication network by way of the personal base station. In the absence of an operating personal base station, the hand set can communicate through the more conventional public wireless network. The selection of whether the mobile station communicates through the personal base station or the wireless network is based on data stored within the handset and in a database structure positioned in one of the networks. Priority is given to selecting the personal base station, provided it is in the vicinity of the hand set.

In an example of operation, a user is able to communicate through the personal base station, and consequently the cable communication network, when the user is within his/her own home, for example. This provides a more reliable and consistent signal to the user than the public wireless network can typically provide in residential areas. As the user leaves his/her own residence, the mobile station will hand off communication to the public network and communication resumes in known manners.

Of course, as the user approaches his/her own residence upon return, communication is handed off to the personal base station for communication through the cable communication network.

The Claims Patentably Distinguish Over The Cited Patents

The Examiner rejected claims 1-20 as being obvious in view of the combination of Hamilton-Piercy and Raffel. However, it is submitted that no combination of these patents renders the claims obvious.

First, as previously submitted, the references are not combinable. Hamilton-Piercy relates to a system involving portions of a cable network and portions of a cellular network while Raffel involves a system integrating a public switched telephone network (PSTN) and the cellular network. These two patents address different problems and different issues raised by a combination of different network technology. Hamilton-Piercy desires to make effective use of a cable network in association with wireless communication. Raffel is directed to allowing a user to use a single phone as a mobile phone and a residential landline phone. There is no teaching or suggestion in Raffel to utilize existing cable networks seamlessly with wireless networks for the purpose of allowing users to use a single mobile phone everywhere. Thus, the applicants submit that there is no teaching that would allow the combination of Raffel, or an alteration of Raffel, with Hamilton-Piercy. Therefore, it is submitted that the combination of these references is inappropriate.

Even if the references were somehow combinable, there is no combination of these references that results in a personal base station that is claimed and disclosed in the present application. The personal base station as used with the claimed hand set and claimed database structure within the network, are simply not taught by these references or any combination thereof. Specifically, the combination of references do not teach a personal base station and other components of the system that allow for the user to selectively communicate through the cable and/or wireless networks. Combining the teachings of these patents would merely result in a system described in Raffel using a wireless phone that could also connect to a cable communication network through a public base station. There is also no teaching asserted by the Examiner relating to the system giving priority to selection of communication through the cable communication network via a personal base station. Therefore, independent claims 1, 9, 16 and 20 are submitted to be allowable. All claims dependent thereon are

likewise submitted to be allowable.

December 12, 2003 Telephone Interview

The Examiner's willingness to conduct an interview on December 12, 2003 is acknowledged and appreciated by the applicants. During that interview, the applicants explained the disclosed and claimed invention to the Examiner. The features discussed included those relating to the database structure of the network and the hand set. The personal base station of the claimed invention was also discussed. Of course, the related distinctions of the claimed invention over the cited patents was also discussed.

The Examiner indicated that a response emphasizing these distinctions, and appropriate amendments to the claims, would be favorably considered upon further examination.

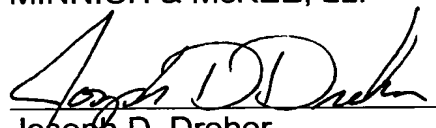
CONCLUSION

In view of the foregoing amendments and comments, claims 1-20 are submitted to be in condition for allowance. Early notification of such allowance is hereby respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

December 18, 2003
Date




Joseph D. Dreher
Reg. No. 37,123
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
EV 340034487 US
Date
<u>December 18, 2003</u>

Signature

Printed Name
Roseanne Giuliani